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U.S. House of Representatives

COMMITTEE ON ARMED SERVICES

Washington, D.C. 20515

NINETY-FOURTH CONGRESS

MELVIN PRICE, CHAIRMAN

January 28, 1977

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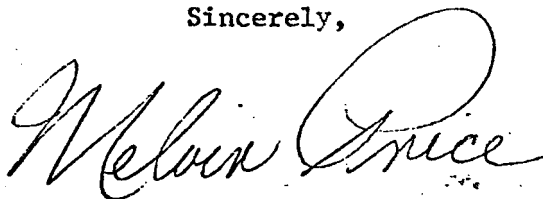
77-305

Honorable Enno H. Knoche
Acting Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Knoche:

The views and recommendations of the Central Intelligence
Agency are requested on H.R. 747, copies of which are enclosed.

Sincerely,



Melvin Price
Chairman

MP:ik
Enclosures

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95TH CONGRESS
1ST SESSION

H. R. 747

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1977

Mr. BENNETT introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the National Security Act of 1947 to define more specifically the jurisdiction of the Central Intelligence Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 102 (d) of the National Security Act of 1947
4 (50 U.S.C. 403 (d)) is amended—

5 (1) by inserting "foreign" immediately after "For
6 the purpose of coordinating the";

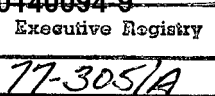
7 (2) in paragraph (1) thereof, by inserting "for-
8 eign" immediately before "intelligence activities";

9 (3) in paragraph (2) thereof, by inserting "for-
10 eign" immediately before "intelligence activities";

I—O



Washington, D.C. 20505



OLC 77-0320/b

*basic
28 for
Congress*

Honorable Melvin Price, Chairman
Committee on Armed Services
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views and recommendations of this Agency on H.R. 747, a bill "To amend the National Security Act of 1947" (50 U.S.C. 403). H.R. 747 encompasses legislative recommendations of the President's Commission on CIA Activities Within the United States (The Rockefeller Commission) which issued its report in June 1975.

I would support the provision in the bill that would add the word "foreign" before the word "intelligence" wherever it appears in section 102(d) of the National Security Act enumerating CIA's functions. This amendment would make explicit what has been understood and accepted as the basic scope of the Agency's mandate, namely, foreign intelligence matters. For similar reasons, I would not oppose enactment of section 4 of this bill which would explicitly recognize the Agency's authority to collect foreign intelligence under the terms of the National Security Act.

Section 5 of this bill would add the following clause to section 102(d)(3) of the National Security Act: "That except as specified by the President in a published Executive order, in collecting foreign intelligence from United States citizens in the United States or its possessions, the Agency shall disclose to such citizens that such intelligence is being collected by the Agency." This provision is consistent with the policy and practices of the Central Intelligence Agency, and I would have no objection to its enactment.

Sections 6 and 9 of the bill would divest the Director of Central Intelligence of his responsibility to protect against the unauthorized disclosure of intelligence sources and methods and would place this responsibility with the Agency. I would oppose this change in the language of section 102(d)(3) of the National Security Act. Transferring this responsibility to the Central Intelligence Agency itself, as H.R. 747 would do, creates ambiguities and might be construed to weaken the protection afforded sources and methods information by section 102(d)(3) as interpreted by Federal court decisions, e.g., United States v. Marchetti, 466 F. 2d 1309 (4th Cir. 1972) and Heine v. Raus, 399 F. 2nd 785 (4th Cir. 1968).

The Director of Central Intelligence, as the nation's senior foreign intelligence officer, is responsible for reviewing the activities of all intelligence agencies in order to improve the overall intelligence product and make recommendations regarding the allocation of resources. He is in the best position to protect the sources and methods of other agencies in the Intelligence Community.

In addition, the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure has been the basis of the protection of much sensitive information from the disclosure requirements of the Freedom of Information Act. Section (b)(3) of that Act exempts matters "specifically exempt from disclosure by statute." If any changes are made in the language of this specific responsibility, it is essential that the legislative history affirm that the new language is an exemption statute for Freedom of Information purposes.

With the reservations I have outlined above, I believe these proposals would substantially contribute to relieving any public anxiety over the proper scope of CIA's activities, and I support these recommendations and believe they warrant the Committee's careful consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

STANSFIELD TURNER
Admiral, U.S. Navy

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(overtaken by events.)

5/17/77

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